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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/664,929  
Filing Date: September 22, 2003  
Appellant(s): SMITH ET AL.

\_\_\_\_\_  
Paul A. Harrity (Reg. No. 39,574)  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 04 February 2008 appealing from the Office action mailed 06 September 2007.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

2003/0061211	Shultz et al.	2-2003
2002/0042789	Michalewicz et al.	4-2002
2003/0217052	Rubenczyk et al.	11-2003

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14, 16-19, 25-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al (U.S. Pat. Pub. 2003/0061211 and known hereinafter as Shultz) in view of Michalewicz et al (U.S. Pat. Pub. 2002/0042789 and known hereinafter as Michalewicz).

As per claim 1, 27-30, 32, and 33, Shultz teaches a method comprising: receiving a search query that includes one or more keywords (i.e. *"The general information query may include one or more criterion about a particular entity or type of entity such as: a business name, category of business, a specific GIS location, a product name, a brand name, a service name, pricing criterion, a time criterion, an event criterion, a service category, or combinations thereof."* The preceding text clearly indicates that a search query is the general information query that includes one or more keywords, which are particular entity or type of entity such as: a business name, category of business, a specific GIS location, a product name, etc.)(Page 4, paragraph 48); obtaining one or more geographical identifiers (i.e. *"Geographic criteria may also include the geographic area within a specified zip code, an area code, or the area defined by a specific radius from the location data, such as a street address, zip code, area code, state, longitudinal and latitudinal coordinates, any unified geocoding system, state planar coordinates, or combinations thereof."* The preceding text clearly indicates that a geographical identifier is a geographic criteria, of which one or more may be combined together.)(Page 1, paragraph 12); identifying an area of interest based, at least in part, on the one or more geographical identifiers (i.e. *"... searching a geographic information database and an information system database for information corresponding to the geographically defined query..."* The preceding text clearly indicates that identifying an area of interest is the result of the information corresponding to the geographically defined query, and one or more geographical identifiers are contained within a geographically defined query.)(Page 1, paragraph 12), where a size of the area of interest (i.e. geographical location or area of interest)(page 4, paragraph [0047]) is dynamically set based (i.e. *"predefined index parameter"*)(page 4, paragraph 48), at least in part, on the one or more key words (i.e. *"The general information query may include one or more criterion about a particular entity or type of entity such as: a business name, category of business, a specific GIS location, a product name, a brand name, a service name, pricing criterion, a time criterion, an event criterion, a service category, or combinations thereof."* The preceding text clearly indicates that a search query is the general information

query that includes one or more keywords, which are particular entity or type of entity such as: a business name, category of business, a specific GIS location, a product name, etc.)(Page 4, paragraph 48);

identifying documents that are associated with addresses located within the area of interest (i.e. *"In yet another aspect of the present invention, the method may also include: identifying multiple search results corresponding to the specified geographic area, and sorting the search results utilizing at least one sorting criterion selected from the group comprising: distance from a selected geographic location, time, price, and alphabetical order, and wherein the query is at least one entity criterion chosen from the group comprising name, brand name, product type, product category, service name, service category, business name, event, event forum, price, time, and/or combinations thereof."*)

The preceding text clearly indicates that identifying documents are search results and address located within the area of interest is the specified geographic area.)(Page 2, paragraph 18); determining ones of the identified documents that match the one or more keywords as relevant documents (i.e. *"...receiving a query from an associated user, searching for at least one search result, identifying the at least one search result corresponding to a specified geographic area, and providing the at least one identified search result to the associated user."*) The preceding text clearly indicates that one or more keywords are contained in a query that corresponds to a specified geographical area and identifying documents are at least one identified search result.)(Page 2, paragraph 17).

Shultz does not explicitly teach the method of grouping the relevant documents into clusters based, at least in part, on the addresses associated with the relevant documents, each of a plurality of the clusters corresponding to one of the addresses; and presenting the clusters.

Michalewicz teaches the method of grouping the relevant documents into clusters based, at least in part, on the addresses associated with the relevant documents, each of a plurality of the clusters corresponding to one of the addresses (i.e.

*"The retrieved documents are divided into subsets of similar documents, where each subset of the subsets of similar documents is described in terms of a subset pattern. An ordered list of clusters is provided based on the subset pattern of each subset of similar documents."* The preceding text clearly indicates that grouping the relevant documents into clusters are the retrieved documents are divided into subsets of similar documents and at least in part on the address located within the area of interest is a type of subset pattern. Furthermore, the addresses associated with the relevant documents is exemplified by the prior art as a similarity criterion that flows through the clustering of the documents. An ordinary person skilled in the art understands that in order to cluster documents, there must exist a similarity criterion to group such relevant documents. The prior art of record clearly teaches that.)(Page 3, paragraph 33); and presenting the clusters (i.e. *"The ordered list of clusters includes separate clusters which contain similar documents retrieved in response to the query."* The preceding text clearly indicates that the for a response to the query by the user is generally a display of results, which in this case, the clusters are presented to the user.)(Page 3, paragraph 33).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Shultz with the teachings of Michalewicz to include the method of grouping the relevant documents into clusters based, at least in part, on the addresses located within the area of interest; and presenting the clusters with the motivation to search by a specific, user-defined geographical area. (Shultz, page 1, paragraph 8).

As per claim 2, Shultz teaches the method wherein the one or more geographical identifiers are received as part of the search query (i.e. *"User query 202 may preferably include (i) location data, (ii) a general information query (e.g., subject matter desired), and/or (iii) geographic criteria."* The preceding text clearly indicates that a geographical identifier, which is a geographic criteria, is part of the search query, which is the user query.)(Page 4, paragraph 46).

As per claim 3, Shultz teaches the method wherein the one or more geographical identifiers are inferred independent of the search query (i.e. *"User query 202 may preferably include (i) location data, (ii) a general information query (e.g., subject matter desired), and/or (iii) geographic criteria."* The preceding text clearly indicates that a geographical identifier, which is a geographic criteria, is inferred independent of the search query, as it may or may not be part of the user query.)(Page 4, paragraph 46).

As per claim 4, Shultz teaches the method wherein the one or more keywords relate to a business or organization (i.e. *"The general information query may include one or more criterion about a particular entity or type of entity such as: a business name, category of business, a specific GIS location, a product name, a brand name, a service name, pricing criterion, a time criterion, an event criterion, a service category, or combinations thereof."* The preceding text clearly indicates that one or more keywords are one or more criterion.)(Page 4, paragraph 48).

As per claim 5, Shultz teaches the method wherein the one or more geographical identifiers include location-specific information that approximately identifies a location of the business or organization (i.e. *"For example, user query 202 can be limited to those results (e.g. businesses) that are located in a defined geographic area. For example, the geographic area may be a city, county, state, country, radial distance, or geometric corridor."* The preceding text clearly indicates that a city, county, state, country, radial distance, or geometric corridor is an example of location specific information that approximately identifies a location.)(Page 4, paragraph 49).



As per claim 6, Shultz teaches the method wherein the one or more geographical identifiers include at least one of a partial address, a partial telephone number, an entire address, and an entire telephone number (i.e. *"Geographic criteria may also include the geographic area within a specified zip code, an area code, or the area defined by a specific radius from the location data, such as a street address, zip code, area code, state, longitudinal and latitudinal coordinates, any unified geocoding system, state planar coordinates, or combinations thereof."* The preceding text clearly indicates that a geographical identifier is a geographical criteria that include a partial address, a partial telephone number, an entire address, an entire telephone number, zip code, area code, etc.)(Page 4, paragraph 49).

As per claim 7, Shultz teaches the method wherein the identifying an area of interest includes: determining a geographic location based, at least in part, on the one or more geographical identifiers, determining a geographic center of the geographic location, and identifying locations within a certain distance of the geographic center as the area of interest (i.e. *"For example, if the user query (step 202) included steak houses near a desired map location, and one or more matching records of the search result did not fall within the currently displayed user map region, the area of displayed map may be updated (automatically or upon user selection) to accommodate the returned result within the displayed map region (step 242)."* The preceding text clearly illustrates that returning a query result for a steak house near a desired map locations indicates that a geographical location is determined, where the geographical identifier is the geographical location; the map location is the geographical center of the geographical location, as one or more of the matching records is determined if the record falls within the map region, and identifying location is displaying one or more matching records.)(Page 5, paragraph 62).

As per claim 8, Shultz teaches the method wherein the identifying locations includes: determining a radius, and identifying the area of interest as a circle centered on the geographic center with the determined radius (i.e. *"Geographic criteria may also include the geographic area within a specified zip code, an area code, or the area defined by a specific radius from the location data, such as a street address, zip code, area code, state, longitudinal and latitudinal coordinates, any unified geocoding system, state planar coordinates, or combinations thereof. In addition, the search results can be limited and/or sorted to those results that are in closest proximity to the location data. For example, if the user enters or spatially designates his home street address as the location data, then he can request that the ten search results in closest proximity to his home be provided."* The preceding text clearly indicates that determining a radius is an area defined by a specific radius from the location data, which is also the area of interest.)(Page 4, paragraph 49).

As per claim 12, Shultz does not explicitly teach the method wherein the identifying documents includes: accessing a database that associates documents from a repository of crawled documents to addresses associated with the documents.

Michalewicz teaches the method wherein the identifying documents includes: accessing a database that associates documents from a repository of crawled documents to addresses associated with the documents (i.e. *"To create any dialog with the user and to provide the user with a chance to find anything, the following should be provided: crawl the Web and collect some information about found pages (or even contents of pages), [0165] do some heavy processing on the collected data to make on-line interactions with the user as fast and adequate as possible, be able to interpret the user's queries and give him/her appropriate answers using collected and processed data, be able to communicate with the user. These functions provide a division of the whole search engine of the present invention into four basic modules: the Spider, the Data Preparation, the*

*Dialog Control and the User Interface 400 (as discussed above).*" The preceding text clearly indicates that information stored in the database are crawled documents. (Page 9, paragraphs 163-168).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Shultz with the teachings of Michalewicz to include the method wherein the identifying documents includes: accessing a database that associates documents from a repository of crawled documents to addresses associated with the documents with the motivation to search by a specific, user-defined geographical area. (Shultz, page 1, paragraph 8).

As per claim 13, Shultz teaches the method further comprising: scoring the relevant documents based on at least one of a distance factor and a relevancy factor (i.e. "Any of these types of matching information may subsequently be sorted according to user preference and/or a predefined search result sorting routine. Such sorting may pertain to specific sorting criteria, for example, by order of importance, relevance or hierarchy of the information retrieved from database 133. Example sorting criterion might include, a distance from the user identified location (e.g., step 232), corresponding advertising information (e.g., step 234) and/or business information (e.g., step 236). Business information may be sorted according to various criteria, for example, alphabetical criteria, such as by the name of the business, size criteria, such as the size of the business, price criteria, time criteria, event criteria, or any other sorting criteria that might be helpful to a user.") (Page 5, paragraph 60).

As per claim 14, Shultz teaches the method wherein the distance factor for one of the relevant documents refers to a distance that an address associated with the one of the relevant documents is from a geographic center of the area of interest (i.e. "Any of these types of matching information may subsequently be sorted according to user preference and/or a

*predefined search result sorting routine. Such sorting may pertain to specific sorting criteria, for example, by order of importance, relevance or hierarchy of the information retrieved from database 133. Example sorting criterion might include, a distance from the user identified location (e.g., step 232), corresponding advertising information (e.g., step 234) and/or business information (e.g., step 236). Business information may be sorted according to various criteria, for example, alphabetical criteria, such as by the name of the business, size criteria, such as the size of the business, price criteria, time criteria, event criteria, or any other sorting criteria that might be helpful to a user.*" The preceding text clearly indicates a distance that an address associated with one of the relevant documents is from the geographical area of interest is the distance from the user-identified location.)(Page 5, paragraph 60).

As per claim 16, Shultz does not explicitly teach the method wherein the grouping the relevant documents into clusters include: forming a separate one of the clusters for each of the addresses located within the area of interest.

Michalewicz teaches the method wherein the grouping the relevant documents into clusters includes: forming a separate one of the clusters for each of the addresses located within the area of interest (i.e. *"The retrieved documents are divided into subsets of similar documents, where each subset of the subsets of similar documents is described in terms of a subset pattern."*) The preceding text clearly indicates that each of the addresses located within the area of interest is a subset pattern.)(Page 3, paragraph 33).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Shultz with the teachings of Michalewicz to include the method wherein the grouping the relevant documents into clusters includes: forming a separate one of the clusters for each of the addresses located within

the area of interest with the motivation to search by a specific, user-defined geographical area. (Shultz, page 1, paragraph 8).

As per claim 17, Shultz does not explicitly teach the method wherein the grouping the relevant documents into clusters includes: identifying a first one of the addresses associated with a first one of the relevant documents, determining one or more second ones of the relevant documents that are also associated with the first address, and grouping the first relevant document and the one or more second relevant documents into a cluster.

Michalewicz teaches the method wherein the grouping the relevant documents into clusters includes: identifying a first one of the addresses associated with a first one of the relevant documents, determining one or more second ones of the relevant documents that are also associated with the first address, and grouping the first relevant document and the one or more second relevant documents into a cluster (i.e. *"In step 605, the user identifies keywords or presents a complete query (e.g., house AND project). The documents will be retrieved (from the database) on the basis of these keywords (index match). In step 610, the query and/or keywords are analyzed and a "pattern" is created. In step 615, the database is searched for documents which match the pattern. In step 620, the retrieved documents are divided into subsets of similar documents, where each subset is described by its own pattern. In other words, the process creates an ordered list of clusters. In step 625, the user is provided with an initial solution proposal."* The preceding text clearly indicates that a first one of the relevant documents is the index max and the next one or more second ones of the relevant document are the pattern results that is created by the query, in which both results are placed into an ordered list of clusters.)(page 7, paragraph 132).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Shultz with the teachings of Michalewicz to include the method wherein the grouping the relevant documents into clusters includes: identifying a first one of the addresses associated with a first one of the relevant documents, determining one or more second ones of the relevant documents that are also associated with the first address, and grouping the first relevant document and the one or more second relevant documents into a cluster with the motivation to search by a specific, user-defined geographical area. (Shultz, page 1, paragraph 8).

As per claim 18, Schultz does not explicitly teach the method wherein the grouping the relevant documents into clusters include: placing each of the relevant documents into at least one cluster.

Michalewicz teaches the method wherein the grouping the relevant documents into clusters includes: placing each of the relevant documents into at least one cluster (i.e. "In step 605, the user identifies keywords or presents a complete query (e.g., house AND project). The documents will be retrieved (from the database) on the basis of these keywords (index match). In step 610, the query and/or keywords are analyzed and a "pattern" is created. In step 615, the database is searched for documents which match the pattern. In step 620, the retrieved documents are divided into subsets of similar documents, where each subset is described by its own pattern. In other words, the process creates an ordered list of clusters. In step 625, the user is provided with an initial solution proposal." The preceding text clearly indicates that relevant documents, which are pattern results are placed into clusters.)(page 7, paragraph 132).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Shultz with the teachings of Michalewicz to include the method wherein the grouping the relevant documents into clusters includes: placing each of the relevant documents into at least one cluster with the motivation to search by a specific, user-defined geographical area. (Shultz, page 1, paragraph 8).

As per claim 19, Schultz does not explicitly teach the method wherein the grouping the relevant documents into clusters include: placing at least one of the relevant documents into a plurality of the clusters.

Michalewicz teaches the method wherein the grouping the relevant documents into clusters includes: placing at least one of the relevant documents into a plurality of the clusters (i.e. *"In step 605, the user identifies keywords or presents a complete query (e.g., house AND project). The documents will be retrieved (from the database) on the basis of these keywords (index match). In step 610, the query and/or keywords are analyzed and a "pattern" is created. In step 615, the database is searched for documents which match the pattern. In step 620, the retrieved documents are divided into subsets of similar documents, where each subset is described by its own pattern. In other words, the process creates an ordered list of clusters. In step 625, the user is provided with an initial solution proposal."* The preceding text clearly indicates that a plurality of clusters is an ordered list of clusters.)(page 7, paragraph 132).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Shultz with the teachings of Michalewicz to include the method wherein the grouping the relevant documents into clusters includes: placing at least one of the relevant documents into a plurality of the clusters

with the motivation to search by a specific, user-defined geographical area. (Shultz, page 1, paragraph 8).

As per claim 25, Shultz does not explicitly teach the method wherein the presenting the clusters includes: forming a result output for each of the clusters, the result output including at least one of a title and a snippet for one of the relevant documents in the cluster and a title for another one or more of the relevant documents in the cluster.

Michalewicz teaches the method wherein the presenting the clusters includes: forming a result output for each of the clusters, the result output including at least one of a title and a snippet for one of the relevant documents in the cluster and a title for another one or more of the relevant documents in the cluster (i.e. *"Now, in use the requestor (user) formulates a query as a set T of words, which should appear in the retrieved documents. The Dialog Control module 300 replies in two steps: (i) It retrieves all documents DOC(T) which include words from T. (ii) It groups the retrieved documents into similarity clusters and returns to the user standard patterns of these groups."* The preceding text clearly indicates that the Dialog Control module is the graphical user interface that shows the result output for each cluster and at least one of a title and a snippet for one of the relevant documents are types of words that should appear in the retrieved documents.)(page 7, paragraphs 127-129).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Shultz with the teachings of Michalewicz to the method wherein the presenting the clusters includes: forming a result output for each of the clusters, the result output including at least one of a title and a snippet for one of the relevant documents in the cluster and a title for another one or more of the



relevant documents in the cluster with the motivation to search by a specific, user-defined geographical area. (Shultz, page 1, paragraph 8).

As per claim 26, Shultz does not explicitly teach the method wherein the presenting the clusters includes: forming a result output for each of the clusters, the result output including a name of a business or organization and a title for one or more of the relevant documents in the cluster.

Michalewicz teaches the method wherein the presenting the clusters includes: forming a result output for each of the clusters, the result output including a name of a business or organization and a title for one or more of the relevant documents in the cluster (i.e. *"Now, in use the requestor (user) formulates a query as a set T of words, which should appear in the retrieved documents. The Dialog Control module 300 replies in two steps: (i) It retrieves all documents DOC(T) which include words from T. (ii) It groups the retrieved documents into similarity clusters and returns to the user standard patterns of these groups."*) The preceding text clearly indicates that the Dialog Control module is the graphical user interface that shows the result output for each cluster and the business or organization and a title are types of words that should appear in the retrieved documents. (page 7, paragraphs 127-129).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Shultz with the teachings of Michalewicz to the method wherein the presenting the clusters includes: forming a result output for each of the clusters, the result output including a name of a business or organization and a title for one or more of the relevant documents in the cluster with the motivation to search by a specific, user-defined geographical area. (Shultz, page 1, paragraph 8).

As per claim 31, Schultz teaches the method wherein the at least one portion of the telephone number includes at least one of an area code and a prefix associated with the telephone number (*i.e.* *"In yet another aspect of the present invention, the method may also include: identifying multiple search results corresponding to the specified geographic area, and sorting the search results utilizing at least one sorting criterion selected from the group comprising: distance from a selected geographic location, time, price, and alphabetical order, and wherein the query is at least one entity criterion chosen from the group comprising name, brand name, product type, product category, service name, service category, business name, event, event forum, price, time, and/or combinations thereof. In certain embodiments of the invention, the specified geographic area is selected from the group comprising distance from a zip code, distance from an area code, distance from a telephone exchange area, distance from a state, distance from longitudinal and latitudinal coordinates, distance from state planar coordinates, a geometric corridor, distance from a unified geocoding system coordinate, and/or combinations thereof."* The preceding text clearly indicates that at least a portion of the telephone number includes one of an area code is the area code, which is a prefix of the telephone exchange area. That is, a part of the telephone number may be used as part of the geographical identifier.)(page 2, paragraph 18).

3. Claims 15, 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al (U.S. Pat. Pub. 2003/0061211 and known hereinafter as Shultz). in view of Michalewicz et al (U.S. Pat. Pub. 2002/0042789 and known hereinafter as Michalewicz) and in further view of Rubenczyk et al (U.S. Patent Pub. No. 2003/0217052 and known hereinafter as Rubenczyk).

As per claim 15 and 23, Shultz and Michalewicz do not explicitly teach the method wherein the relevancy factor for one of the relevant documents refers to at least one of a number of the one or more keywords present in the one of the relevant documents and how prominently the one or more keywords appear in the one of the relevant documents.

Rubencyk teaches the method wherein the relevancy factor for one of the relevant documents refers to at least one of a number of the one or more keywords present in the one of the relevant documents and how prominently the one or more keywords appear in the one of the relevant documents (i.e. *"A ranker 30 provides a numerical value to describe the overall level of match between the query and each data item, i.e. it assesses the relevance of data-items to the query."*) The preceding text clearly indicates that at least one of a number of one or more keywords present in one of the relevant documents and how prominently the one or more keywords appear is the overall level of match between the query and each data item.)(page 13, paragraph 420).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Shultz with the teachings of Michalewicz and further modify the teachings of Shultz and Michalewicz with the teachings of Rubencyk to include the method wherein the relevancy factor for one of the relevant documents refers to at least one of a number of the one or more keywords present in the one of the relevant documents and how prominently the one or more keywords appear in the one of the relevant documents with the motivation to search by a specific, user-defined geographical area. (Shultz, page 1, paragraph 8).

As per claim 20, Shultz and Michalewicz do not explicitly teach the method wherein the presenting the clusters includes: generating scores for the relevant documents within each of the clusters, and sorting the relevant documents within each of the clusters based, at least in part, on the scores.

Rubenczyk teaches the method wherein the presenting the clusters includes: generating scores for the relevant documents within each of the clusters (i.e. *"A ranker 30 provides a numerical value to describe the overall level of match between the query and each data item, i.e. it assesses the relevance of data-items to the query."* The preceding text clearly indicates that generating scores is the numerical value to each data item and relevant documents is the relevance of the data-items.)(page 13, paragraph 420), and sorting the relevant documents within each of the clusters based, at least in part, on the scores (i.e. *"The retrieved items can be presented either as an unorganized set or as an ordered list, sorted by some meta-data criterion such as date, author or price, or, more to the point, by the item's rank score (from best to poorest) that allegedly measures its closeness to the user request."* The preceding text clearly indicates that scores is a meta-data criterion that can sort the relevant documents within each of the clusters and the clusters are the retrieved items.)(page 2, paragraph 30).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Shultz with the teachings of Michalewicz and further modify the teachings of Shultz and Michalewicz with the teachings of Rubenczyk to include the method wherein the presenting the clusters includes: generating scores for the relevant documents within each of the clusters, and sorting the relevant documents within each of the clusters based, at least in part, on the scores with the motivation to search by a specific, user-defined geographical area. (Shultz, page 1, paragraph 8).

As per claim 21, Shultz and Michalewicz do not explicitly teach the method wherein the presenting the clusters includes: ranking the clusters based on at least one of a distance factor and a relevancy factor, and sorting the clusters based, at least in part, on the ranking.

Rubenczyk teaches the method wherein the presenting the clusters includes: ranking the clusters based on at least one of a distance factor and a relevancy factor (i.e. *"A ranker 30 provides a numerical value to describe the overall level of match between the query and each data item, i.e. it assesses the relevance of data-items to the query."* The preceding text clearly indicates that distance and relevance factors are a type of ranker that provides a numerical value to the data-items, which are the clusters.)(page 13, paragraph 420), and sorting the clusters based, at least in part, on the ranking (i.e. *"The retrieved items can be presented either as an unorganized set or as an ordered list, sorted by some meta-data criterion such as date, author or price, or, more to the point, by the item's rank score (from best to poorest) that allegedly measures its closeness to the user request."* The preceding text clearly indicates that ranking is a meta-data criterion that can sort the relevant documents within each of the clusters and the clusters are the retrieved items.)(page 2, paragraph 30).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Shultz with the teachings of Michalewicz and further modify the teachings of Shultz and Michalewicz with the teachings of Rubenczyk to include the method wherein the presenting the clusters includes: ranking the clusters based on at least one of a distance factor and a relevancy factor, and sorting the clusters based, at least in part, on the ranking with the motivation to search by a specific, user-defined geographical area. (Shultz, page 1, paragraph 8).

As per claim 22, Shultz does not explicitly teach the method wherein the distance factor is distance that an address is from a geographical center of the area of interest.

Michalewicz teaches the method wherein the distance factor for one of the clusters refers to a distance that an address associated with the one cluster is from a geographic center of the area of interest (*i.e. "The retrieved documents are divided into subsets of similar documents, where each subset of the subsets of similar documents is described in terms of a subset pattern."* The preceding text clearly indicates that the distance factor is an instance of a subset pattern, in which that type of a subset pattern is contained in the cluster.)(page 3, paragraph 33).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Shultz with the teachings of Michalewicz to include the method wherein the distance factor for one of the clusters refers to a distance that an address associated with the one cluster is from a geographic center of the area of interest with the motivation to search by a specific, user-defined geographical area. (Shultz, page 1, paragraph 8).

As per claim 24, Shultz and Michalewicz on a specificity of the one or more geographical identifier (*i.e. "Geographic criteria may also include the geographic area within a specified zip code, an area code, or the area defined by a specific radius from the location data, such as a street address, zip code, area code, state, longitudinal and latitudinal coordinates, any unified geocoding system, state planar coordinates, or combinations thereof."* The preceding text clearly indicates that a geographical identifier is a geographic criteria, of which one or more may be combined together.)(Page 1, paragraph 12).

Shultz and Michalewicz do not explicitly teach the method wherein the presenting the clusters further includes: weighting the distance factor or the relevancy factor differently based.

Rubenczyk teaches the method wherein the presenting the clusters further includes: weighting the distance factor or the relevancy factor differently based (i.e. *"Each node in a hierarchy represents a potential class, it may have query terms associated with it and may be linked to a set of domain data items which may be ranked using weighting values."* The preceding text clearly indicates that the distance and relevancy factors are a type of weighting values based on the search query, which is the query.) (page 14, paragraph 427).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Shultz with the teachings of Michalewicz and further modify the teachings of Shultz and Michalewicz with the teachings of Rubenczyk to include the method wherein the presenting the clusters further includes: weighting the distance factor or the relevancy factor differently based, at least in part, on a specificity of the one or more geographical identifiers with the motivation to search by a specific, user-defined geographical area. (Shultz, page 1, paragraph 8).

#### **(10) Response to Argument**

Applicant argues:

##### **Claims 1, 2, 6, 12-14, 16-18, and 25**

"Shultz et al and Michalewicz et al, do not disclose or suggest identifying an area of interest based, at least in part, on one or more geographical identifiers, where a size of the area of interest based, at least in part, on one or more geographical identifier,

where a size of the area of interest is dynamically set based, at least in part, on one or more keywords in a received search query.”

The Examiner disagrees. The combination of Shultz et al and Michalewicz et al teaches identifying an area of interest based, at least in part, on the one or more geographical identifiers (i.e. “... *searching a geographic information database and an information system database for information corresponding to the geographically defined query...*” The preceding text clearly indicates that identifying an area of interest is the result of the information corresponding to the geographically defined query, and one or more geographical identifiers are contained within a geographically defined query.)(Page 1, paragraph 12), where a size of the area of interest (i.e. geographical location or area of interest)(page 4, paragraph [0047]) is dynamically set based (i.e. “*predefined index parameter*”)(page 4, paragraph 48), at least in part, on the one or more key words in a received search query (i.e. “*The general information query may include one or more criterion about a particular entity or type of entity such as: a business name, category of business, a specific GIS location, a product name, a brand name, a service name, pricing criterion, a time criterion, an event criterion, a service category, or combinations thereof.*” The preceding text clearly indicates that a search query is the general information query that includes one or more keywords, which are particular entity or type of entity such as: a business name, category of business, a specific GIS location, a product name, etc.)(Page 4, paragraph 48).

“Shultz et al, and Michalewicz et al, do not disclose or suggest grouping the relevant documents into clusters based, at least in part, on the addresses associated with the relevant documents, each of a plurality of the clusters corresponding to one of the addresses.”



The Examiner disagrees. The combination of Shultz et al. and Michalewicz et al., teach grouping the relevant documents into clusters based, at least in part, on the addresses associated with the relevant documents, each of a plurality of the clusters corresponding to one of the addresses (i.e. *"The retrieved documents are divided into subsets of similar documents, where each subset of the subsets of similar documents is described in terms of a subset pattern. An ordered list of clusters is provided based on the subset pattern of each subset of similar documents."*) The preceding text clearly indicates that grouping the relevant documents into clusters are the retrieved documents are divided into subsets of similar documents and at least in part on the address located within the area of interest is a type of subset pattern. Furthermore, the addresses associated with the relevant documents is exemplified by the prior art as a similarity criterion that flows through the clustering of the documents. An ordinary person skilled in the art understands that in order to cluster documents, there must exist a similarity criterion to group such relevant documents. The prior art of record clearly teaches that.) (Page 3, paragraph 33); and presenting the clusters (i.e. *"The ordered list of clusters includes separate clusters which contain similar documents retrieved in response to the query."*) The preceding text clearly indicates that the for a response to the query by the user is generally a display of results, which in this case, the clusters are presented to the user.) (Michalewicz, Page 3, paragraph 33).

### **Claim 3**

"Shultz et al and Michalewicz et al do not teach one or more geographical identifiers are inferred independent of the search query."

The Examiner disagrees. Shultz et al teaches one or more geographical identifiers are inferred independent of the search query (i.e. *"User query 202 may preferably include (i) location data, (ii) a general information query (e.g., subject matter desired), and/or (iii)*

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*geographic criteria.*" The preceding text clearly indicates that a geographical identifier, which is at least one or more geographic criteria.)(Page 4, paragraph 46).

#### **Claims 4 and 5**

"Shultz et al and Michalewicz et al do not teach one or more keywords related to a business or organization."

The Examiner disagrees. Shultz et al one or more keywords relate to a business or organization (i.e. *"The general information query may include one or more criterion about a particular entity or type of entity such as: a **business name**, category of business, a specific GIS location, a product name, a brand name, a service name, pricing criterion, a time criterion, an event criterion, a service category, or combinations thereof."* The preceding text clearly indicates that one or more keywords are one or more criterion.)(Page 4, paragraph 48).

#### **Claims 7 and 8**

"Shultz et al and Michalewicz et al do not teach determining a geographical location based, at least in part, on the one or more geographical identifiers, determining a geographical center of the geographic location, and identifying locations within a certain distance of the geographic center as the center of interest, where the certain distance is dynamically set based, at least in part, on the one or more keywords."

The Examiner disagrees. Shultz et al teaches determining a geographic location based, at least in part, on the one or more geographical identifiers (i.e. *"... searching a geographic information database and an information system database for information corresponding to the geographically defined query..."* The preceding text clearly indicates that identifying an area of interest is the result of the information corresponding to the geographically defined query, and one or

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more geographical identifiers are contained within a geographically defined query.)(Page 1, paragraph 12), determining a geographic center of the geographic location (i.e. *"Geographic criteria may also include the geographic area within a specified zip code, an area code, or the area defined by a specific radius from the location data, such as a street address, zip code, area code, state, longitudinal and latitudinal coordinates, any unified geocoding system, state planar coordinates, or combinations thereof."*) The preceding text clearly indicates that a geographical identifier is a geographic criteria, of which one or more may be combined together.)(Page 1, paragraph 12), and identifying locations within a certain distance of the geographic center as the area of interest (i.e. *"For example, if the user query (step 202) included steak houses near a desired map location, and one or more matching records of the search result did not fall within the currently displayed user map region, the area of displayed map may be updated (automatically or upon user selection) to accommodate the returned result within the displayed map region (step 242)."*) The preceding text clearly illustrates that returning a query result for a steak house near a desired map locations indicates that a geographical location is determined, where the geographical identifier is the geographical location; the map location is the geographical center of the geographical location, as one or more of the matching records is determined if the record falls within the map region, and identifying location is displaying one or more matching records.)(Page 5, paragraph 62).

### **Claim 19**

"Shultz et al and Michalewicz et al do not teach placing at least one of the relevant documents into a plurality of the clusters."

The Examiner disagrees. Shultz et al and Michalewicz et al teaches placing at least one of the relevant documents into a plurality of the clusters (i.e. *"In step 605, the user identifies keywords or presents a complete query (e.g., house AND project). The documents will be retrieved (from the database) on the basis of these keywords (index match). In step 610, the query and/or*

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*keywords are analyzed and a "pattern" is created. In step 615, the database is searched for documents which match the pattern. In step 620, the retrieved documents are divided into subsets of similar documents, where each subset is described by its own pattern. In other words, the process creates an ordered list of clusters. In step 625, the user is provided with an initial solution proposal.*" The preceding text clearly indicates that a plurality of clusters is an ordered list of clusters.)(Michalewicz, page 7, paragraph 132).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Shultz et al with the teachings of Michalewicz et al to include the method wherein the grouping the relevant documents into clusters includes: placing at least one of the relevant documents into a plurality of the clusters with the motivation to search by a specific, user-defined geographical area. (Shultz, page 1, paragraph 8).

### **Claim 26**

"Shultz et al and Michalewicz et al do not teach forming a result output for each of the clusters, the result output including a name of a business or organization and a title for one or more of the relevant documents in the cluster."

The Examiner disagrees. Shultz et al and Michalewicz et al teach forming a result output (i.e. user interface)(Michalewicz, see Figure 2) for each of the clusters, the result output including a name of a business or organization and a title for one or more of the relevant documents (i.e. "The general information query may include one or more criterion about a particular entity or type of entity such as: **a business name**, category of business, a specific GIS location, a product name, a brand name, a service name, pricing criterion, a time criterion, an event criterion, a service category, or combinations thereof." The preceding text clearly indicates that one or more

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keywords are one or more criterion.)(Shultz, Page 4, paragraph 48) in the cluster (i.e. "Now, in use the requestor (user) formulates a query as a set  $T$  of words, which should appear in the retrieved documents. The Dialog Control module 300 replies in two steps: (i) It retrieves all documents  $DOC(T)$  which include words from  $T$ . (ii) It groups the retrieved documents into similarity clusters and returns to the user standard patterns of these groups." The preceding text clearly indicates that the Dialog Control module is the graphical user interface that shows the result output for each cluster and the business or organization and a title are types of words that should appear in the retrieved documents.)(Michalewicz, page 7, paragraphs 127-129).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Shultz et al with the teachings of Michalewicz et al to the method wherein the presenting the clusters includes: forming a result output for each of the clusters, the result output including a name of a business or organization and a title for one or more of the relevant documents in the cluster with the motivation to search by a specific, user-defined geographical area. (Shultz, page 1, paragraph 8).

**Claim 27**

“Shultz et al and Michalewicz et al do not disclose or suggest means for identifying locations within a certain distance of a geographical center as a geographic area of interest, where the certain distance is dynamically set based, at least in part on the one or more keywords in a received search query.”

The Examiner disagrees. The arguments above have been addressed in the rejection above as well as addressed in arguments in claim 1.

“Shultz et al and Michalewicz et al do not disclose or suggest means for forming the relevant documents into clusters based, at least in part, on the addresses associated with the relevant documents, each of a plurality of the clusters corresponding to one of the addresses.”

The Examiner disagrees. The arguments above have been addressed in the rejection above as well as addressed in arguments in claim 1.

“Shultz et al and Michalewicz et al do not disclose or suggest grouping relevant documents into clusters.”

The Examiner disagrees. The arguments above have been addressed in the rejection above as well as addressed in arguments in claim 1.

**Claim 28**

"Shultz et al and Michalewicz et al do not disclose or suggest a processor to group the identified documents into cluster based, at least in part, on the addresses associated with the identified documents, each of a plurality of the clusters corresponding to one of the addresses."

The Examiner disagrees. The arguments above have been addressed in the rejection above as well as addressed in arguments in claim 1.

"Shultz et al, Michalewicz et al, and Rubenczyk et al, do not disclose or suggest a processor to assign scores to each of the clusters based in part, on a distance factor and a relevancy factor, where at least one of the distance factor or the relevancy factor is weighted based, at least in part, on a specificity of the one or more geographical identifiers."

The Examiner disagrees. The arguments above have been addressed in the rejection above as well as addressed in arguments in claim 1.

**Claim 29**

"Shultz et al and Michalewicz et al do not disclose or suggest grouping the identified documents into clusters based, at least in part, on the addresses associated with the identified documents, each of a plurality of the clusters corresponding to one of the addresses."

The Examiner disagrees. The arguments above have been addressed in the rejection above as well as addressed in arguments in claim 1.

"Shultz et al and Michalewicz et al do not disclose or suggest assigning scores to each of the clusters based, at least in part, on a distance factor and a relevancy factor, where at least one of the distance factor or the relevancy factor is weighted based, at least in part, on a specificity of the one or more geographical identifiers."

The Examiner disagrees. The arguments above have been addressed in the rejection above as well as addressed in arguments in claim 1.

#### **Claims 30 and 31**

"Shultz et al and Michalewicz et al do not disclose or suggest identifying a geographical area of interest based, at least in part, on at least one portion of a telephone number including a received search query, where a size of the geographical area of interest is dynamically set based, at least in part, on one or more keywords also included in the received search query."

The Examiner disagrees. The arguments above have been addressed in the rejection above as well as addressed in arguments in claim 1.

"Shultz et al and Michalewicz et al do not disclose or suggest grouping the identified documents into clusters based, at least in part, on the addresses associated



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with the identified documents, each of a plurality of the clusters corresponding to one of the addresses."

The Examiner disagrees. The arguments above have been addressed in the rejection above as well as addressed in arguments in claim 1.

### **Claims 32 and 33**

"Shultz et al and Michalewicz et al do not disclose or suggest grouping identified documents into clusters based, at least in part, on the telephone numbers included in the identified documents, each of a plurality of the clusters corresponding to one of the telephone numbers."

The Examiner disagrees. The combination of Shultz et al and Michalewicz et al teach grouping identified documents into clusters based (i.e. *"The ordered list of clusters includes separate clusters which contain similar documents retrieved in response to the query."*) The preceding text clearly indicates that the for a response to the query by the user is generally a display of results, which in this case, the clusters are presented to the user.)(Page 3, paragraph 33), at least in part, on the telephone numbers included in the identified documents, each of a plurality of the clusters corresponding to one of the telephone numbers (i.e. *"Geographic criteria may also include the geographic area within a specified zip code, an area code, or the area defined by a specific radius from the location data, such as a street address, zip code, area code, state, longitudinal and latitudinal coordinates, any unified geocoding system, state planar coordinates, or combinations thereof."*) The preceding text clearly indicates that a geographical identifier is a geographical criteria that include a partial address, a partial telephone number, an entire address, an entire telephone number, zip code, area code, etc.)(Shultz, Page 4, paragraph 49)..

**Claim 15**

"Shultz et al, Michalewicz et al, and Rubenczyk et al do not teach the relevancy factor for one of the relevant documents refers to at least one of a number of the one or more keywords present in the one of the relevant documents or how prominently the one or more keywords appear in the one of the relevant documents."

The Examiner disagrees. The combination of Shultz et al, Michalewicz et al and Rubenczyk et al teaches the relevancy factor for one of the relevant documents refers to at least one of a number of the one or more keywords present in the one of the relevant documents and how prominently the one or more keywords appear in the one of the relevant documents (i.e. *"A ranker 30 provides a numerical value to describe the overall level of match between the query and each data item, i.e. it assesses the relevance of data-items to the query."*) The preceding text clearly indicates that at least one of a number of one or more keywords present in one of the relevant documents and how prominently the one or more keywords appear is the overall level of match between the query and each data item.(page 13, paragraph 420).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Shultz et al with the teachings of Michalewicz et al and further modify the teachings of Rubenczyk et al to include the method wherein the relevancy factor for one of the relevant documents refers to at least one of a number of the one or more keywords present in the one of the relevant documents and how prominently the one or more keywords appear in the one of the relevant documents with the motivation to search by a specific, user-defined geographical area. (Shultz, page 1, paragraph 8).

**Claim 20**

"Shultz et al, Michalewicz et al, and Rubenczyk et al do not teach generating scores for the relevant documents within each of the clusters, and sorting the relevant documents within each of the clusters based, at least in part, on the scores."

The Examiner disagrees. The combination of Shultz et al, Michalewicz et al, and Rubenczyk et al teach generating scores for the relevant documents within each of the clusters (i.e. "A *ranker 30* provides a numerical value to describe the overall level of match between the query and each data item, i.e. it assesses the relevance of data-items to the query." The preceding text clearly indicates that generating scores is the numerical value to each data item and relevant documents is the relevance of the data-items.)(page 13, paragraph 420), and sorting the relevant documents within each of the clusters based, at least in part, on the scores (i.e. "The retrieved items can be presented either as an unorganized set or as an ordered list, sorted by some meta-data criterion such as date, author or price, or, more to the point, by the item's rank score (from best to poorest) that allegedly measures its closeness to the user request." The preceding text clearly indicates that scores is a meta-data criterion that can sort the relevant documents within each of the clusters and the clusters are the retrieved items.)(page 2, paragraph 30).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Shultz et al with the teachings of Michalewicz et al and further modify the teachings of Rubenczyk et al to include the method wherein the presenting the clusters includes: generating scores for the relevant documents within each of the clusters, and sorting the relevant documents within each

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of the clusters based, at least in part, on the scores with the motivation to search by a specific, user-defined geographical area. (Shultz, page 1, paragraph 8).

### **Claim 21**

"Shultz et al, Michalewicz et al, and Rubenczyk et al do not teach ranking the clusters based on at least one of a distance factor or a relevancy factor, and sorting the clusters based, at least in part, on the ranking."

The Examiner disagrees. The combination of Shultz et al, Michalewicz et al, and Rubenczyk et al teach ranking the clusters based on at least one of a distance factor and a relevancy factor (i.e. *"A ranker 30 provides a numerical value to describe the overall level of match between the query and each data item, i.e. it assesses the relevance of data-items to the query."*) The preceding text clearly indicates that distance and relevance factors are a type of ranker that provides a numerical value to the data-items, which are the clusters.)(page 13, paragraph 420), and sorting the clusters based, at least in part, on the ranking (i.e. *"The retrieved items can be presented either as an unorganized set or as an ordered list, sorted by some meta-data criterion such as date, author or price, or, more to the point, by the item's rank score (from best to poorest) that allegedly measures its closeness to the user request."*) The preceding text clearly indicates that ranking is a meta-data criterion that can sort the relevant documents within each of the clusters and the clusters are the retrieved items.)(page 2, paragraph 30).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Shultz et al with the teachings of Michalewicz et al and further modify the teachings of Rubenczyk et al to include the method wherein the presenting the clusters includes: ranking the clusters based on at

least one of a distance factor and a relevancy factor, and sorting the clusters based, at least in part, on the ranking with the motivation to search by a specific, user-defined geographical area. (Shultz, page 1, paragraph 8).

### **Claims 22 and 23**

"Shultz et al, Michalewicz et al, and Rubenczyk et al do not teach the distance factor for one of the clusters refers to a distance that an address associated with the one cluster is from a geographical center of the area of interest."

The Examiner disagrees. The combination of Shultz et al, Michalewicz et al, and Rubenczyk et al teach the distance factor for one of the clusters refers to a distance that an address associated with the one cluster is from a geographic center of the area of interest (*i.e.* "The retrieved documents are divided into subsets of similar documents, where each subset of the subsets of similar documents is described in terms of a subset pattern." The preceding text clearly indicates that the distance factor is an instance of a subset pattern, in which that type of a subset pattern is contained in the cluster.)(page 3, paragraph 33).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Shultz et al with the teachings of Michalewicz et al to include the method wherein the distance factor for one of the clusters refers to a distance that an address associated with the one cluster is from a geographic center of the area of interest with the motivation to search by a specific, user-defined geographical area. (Shultz, page 1, paragraph 8).

#### **Claim 24**

"Shultz et al, Michalewicz et al, and Rubenczyk et al do not teach weighting the distance factor or the relevancy factor differently based, at least in part, on a specificity of the one or more geographical identifiers."

The Examiner disagrees. The combination of Shultz et al, Michalewicz et al, and Rubenczyk et al teach weighting the distance factor or the relevancy factor differently based (i.e. *"Each node in a hierarchy represents a potential class, it may have query terms associated with it and may be linked to a set of domain data items which may be ranked using weighting values."*) The preceding text clearly indicates that the distance and relevancy factors are a type of weighting values based on the search query, which is the query. (page 14, paragraph 427) on a specificity of the one or more geographical identifiers (i.e. *"Geographic criteria may also include the geographic area within a specified zip code, an area code, or the area defined by a specific radius from the location data, such as a street address, zip code, area code, state, longitudinal and latitudinal coordinates, any unified geocoding system, state planar coordinates, or combinations thereof."*) The preceding text clearly indicates that a geographical identifier is a geographic criteria, of which one or more may be combined together. (Shultz, Page 1, paragraph 12).

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It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Shultz et al with the teachings of Michalewicz et al and further modify the teachings of Rubenczyk et al to include the method wherein the presenting the clusters further includes: weighting the distance factor or the relevancy factor differently based, at least in part, on a specificity of the one or more geographical identifiers with the motivation to search by a specific, user-defined geographical area. (Shultz, page 1, paragraph 8).

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/F. M. S./

Examiner, Art Unit 2165

Conferees:

Christian Chace, /Christian P. Chace/

Supervisory Patent Examiner, Art Unit 2165

SPE, Art Unit 2165

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/Vincent N. Trans/

SPRE/QAS, TC2100